

United States District Court
for
the District of Nevada

REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER
Probation Form 49 (Waiver of Hearing) is Attached
January 16, 2018

Name of Offender: **Brenda Bernal**

Case Number: **2:15CR00036**

Name of Sentencing Judicial Officer: **Honorable Jennifer A. Dorsey**

Date of Original Sentence: **May 8, 2017**

Original Offense: **Accessory After the Fact**

Original Sentence: **Timed Served, followed by 36 Months TSR**

Date Supervision Commenced: **May 8, 2017**

Name of Assigned Judicial Officer: **Honorable Jennifer A. Dorsey**

PETITIONING THE COURT

To modify the conditions of supervision as follows:

Community Service – You must complete 50 hours of community service within two (2) months. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed hours to the probation officer.

CAUSE

On May 8, 2017, the offender was sentenced and instructed to participate in a substance abuse program. On May 17, 2017, the offender was referred to substance abuse counseling and placed in code-a-phone testing.

On November 17, 2017, Your Honor was notified the offender was not employed, she was not current with her restitution payments, and had failed to provide random drug specimens. On November 20, 2017, Your Honor agreed with the U.S. Probation's recommendation and allowed the offender to continue with her supervision and no action was taken.

RE: Brenda Bernal

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However, the offender has continued with her non-compliance in both the drug treatment counseling and drug testing. The offender had been scheduled with her substance abuse counselor on December 6, 2017, and she arrived 40 minutes late to the session. On December 13, 2017, and January 3, 2018, the offender did not show up to her session and failed to contact the counselor. On January 10, 2018, the offender was 30 minutes late to the counseling session once again.

On November 25, 2017, the offender reported to drug testing however did not provide a drug test. On December 4, 2018, the offender did not report to testing. This writer contacted her the next day, and she reported to the U.S. Probation Office and submitted a negative sample. On December 13, 2017, once again the offender had a stall (failed to provide a urine sample) at the testing facility. On December 14, 2017, she reported to the U.S. Probation Office and was admonished. She stated she was scared to submit a sample.

On January 12, 2018, the offender reported to the U.S. Probation Office and was admonished as she had once again failed to comply with substance abuse counseling and the code-a-phone program. She was two hours late to her appointment with this writer and stated she had a lot of things going on with her family. She was advised that if she continues to not abide by her conditions of supervision, the Court may impose more severe sanctions. She stated she was going to make certain she abided by her conditions. The offender signed a Waiver of Hearing to Modify her Conditions of Supervision to include fifty (50) hours of community service to be completed within two (2) months. At this time, the U.S. Probation Office believes this is a sufficient sanction for her non-compliance. If the offender fails to abide by her conditions and continues to disregard treatment, Your Honor will be advised. If the Court is desirous of another course of action, this writer may be reached at (702) 527-7274.

Respectfully submitted,

Margarita Hernandez
M Hernandez Powell Powell
2018.01.17 11:08:01
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Margarita Hernandez Powell
United States Probation Officer

Approved:

Niquita M. Loftis
Niquita M. Loftis 2018.01.17 08:12:05
-08'00'

Niquita Loftis
Supervisory United States Probation Officer

THE COURT ORDERS

RE: Brenda Bernal

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- No Action.
- The extension of supervision as noted above.
- The modification of conditions as noted above
- Other (please include Judicial Officer instructions below):

Signature of Judicial Officer

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